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7 UNITED STATES DISTRICT COURT
8 EASTERN DISTRICT OF WASHINGTON

9 UNITED STATES OF AMERICA,

10 Plaintiff,

11 vs.

12 LUIS MANUEL FARIAS-CARDENAS,

13 Defendant.

No. 2:19-CR-00111-WFN-1

NOTICE OF PRELIMINARY
ORDER OF FORFEITURE

14 TO: Alissa Kerr

15 1. DATE OF NOTICE: September 23, 2020

16 2. PETITION DEADLINE: October 23, 2020

17 3. PRELIMINARY ORDER OF FORFEITURE: The Preliminary Order
18 of Forfeiture having been entered on September 22, 2020, the United States hereby
19 gives notice of its intention to dispose of the property described in the Preliminary Order
20 of Forfeiture in such a manner as the United States Attorney General may direct.

21 4. FILING AN ANCILLARY PETITION: Any persons or entities, other
22 than the Defendant or an agent of the Defendant, having or claiming a legal right, title
23 or interest in the aforementioned property may petition the United States District Court

1 for the Eastern District of Washington, no later than the petition deadline stated in this
2 notice, for a hearing to adjudicate the validity of his/her alleged interest in the property
3 pursuant to Fed. R. Crim. P. 32.2, and 21 U.S.C. § 853(n). If a hearing is requested, it
4 shall be held before the Court alone, without a jury. Petitioners will bear the burden of
5 proof in all such cases. Petitions that fail to allege an interest sufficient to maintain a
6 claim under § 853(n) shall be subject to dismissal without a hearing.
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9 5. CONTENTS OF THE ANCILLARY PETITION: The petition shall be
10 signed by the petitioner under penalty of perjury and shall identify the particular
11 property or properties in which the petitioner claims a legal right, title or interest; the
12 nature and extent of the such right, title or interest in each property; the time and
13 circumstances of the petitioner's acquisition of the right, title and interest in each
14 property; and any additional facts and documents supporting the petitioner's claim and
15 the relief sought. *See* 21 U.S.C. § 853(n)(3) and Fed. R. Crim. P. 32.2. Corporate
16 persons may only file claims if represented by counsel.
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19 6. FILING WITH THE COURT AND SERVICE ON THE UNITED
20 STATES: All such petitions must be filed with the Office of the Clerk, United States
21 District Court for the Eastern District of Washington, West 920 Riverside, Spokane,
22 Washington, 99201, (P.O. Box 1493, Spokane, Washington, 99210-1493), and a copy
23 served on the government attorneys, Assistant United States Attorneys, Caitlin A.
24 Baunsgard and Brian M. Donovan, at P.O. Box 1494, Spokane, Washington
25 99210-1494.
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1 7. ANCILLARY HEARING: A hearing on the petition shall, to the extent
2 practicable and consistent with the interests of justice, be held within thirty (30) days of
3 the filing of the petition. The Court may consolidate the hearing on the petition with a
4 hearing on any other petition filed by a person other than any of the defendant(s) named
5 above. The petitioner may testify and present evidence and witnesses on his/her own
6 behalf and cross-examine witnesses who appear at the hearing.
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8 8. PETITIONS FOR REMISSION OR MITIGATION: The government
9 may also consider granting petitions for remission or mitigation, which pardon all or
10 part of the property from the forfeiture. A petition must include a description of your
11 interest in the property supported by documentation; include any facts you believe
12 justify the return of the property; and be signed under oath, subject to the penalty of
13 perjury, or meet the requirements of an unsworn statement under penalty of perjury.
14 *See* 28 U.S.C. Section 1746. For the regulations pertaining to remission or mitigation
15 of the forfeiture, see 28 C.F.R. Sections 9.1 - 9.9. The criteria for remission of the
16 forfeiture are found at 28 C.F.R. Section 9.5(a). The criteria for mitigation of the
17 forfeiture are found at 28 C.F.R. Section 9.5(b). The petition for remission need not be
18 made in any particular form and may be filed online or in writing. *See* 28 C.F.R.
19 Section 9.3(a).
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25 The <https://www.forfeiture.gov/FilingPetition.htm> website provides access to a
26 standard petition for remission form that may be mailed and the link to file a petition
27 for remission online. If you cannot find the desired assets online, you must file your
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1 petition for remission in writing by sending it to Assistant United States Attorney
2 Brian M. Donovan, 920 W. RIVERSIDE AVE., ROOM 300, P.O. BOX 1494,
3 SPOKANE, WA 99210-1494. This website provides answers to frequently asked
4 questions (FAQs) about filing a petition for remission. You may file both an ancillary
5 petition with the court and a petition for remission or mitigation.
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7 **If you fail to file a petition to assert your right, title or interest in the**
8 **above-described property, by the date indicated on this direct notice, your right,**
9 **title and interest in this property shall be lost and forfeited to the United States.**
10 **The United States then shall have clear title to the property herein described and**
11 **may warrant good title to any subsequent purchaser or transferee. You may**
12 **wish to seek legal advice to protect your interests.**
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15 William D. Hyslop
16 United States Attorney

17 s/ Caitlin A. Baunsgard
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19 Assistant United States Attorney
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